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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,159	12/21/2001	Douglas Deeds	NC25636 (NOK115-25636)	5211
30973	7590	07/19/2005	EXAMINER	
SCHEEF & STONE, L.L.P. 5956 SHERRY LANE SUITE 1400 DALLAS, TX 75225			BACKER, FIRMIN	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/029,159

**Applicant(s)**

DEEDS ET AL.

**Examiner**

Firmin Backer

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-27 and 33-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-27 and 33-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 10<sup>th</sup>, 2005 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-27 and 33-42 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Shin et al (U.S. PG Pub No. 2002/0010698).

4. As per claim 21, 36, 37, Shin et al teach a method for providing selected content to a user device (*locking server 20 in network/mobile device, 41 Fig 2A, 4*) (*see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023*), the method comprising receiving an indication of selected content presenting at least a one locking requirement including a the first locking requirement associated

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with the selected content to the user device (*see paragraphs 0024, 0025, 0029*), receiving selection of at least first locking requirement at the network based device from the user device in response to presenting the at least first locking requirement, and providing from the network based device to the user device the selected content to the wireless mobile device together with the at least the first locking requirement following selection of the content and at least the first locking requirement to permit the selected content to be operated upon pursuant to at least a selected one of the at least the first locking requirement (*see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023*).

5. As per claim 22, 39, Shin et al teach a method at a wireless device for providing selected content comprising transmitting an indication of selection of which of the plurality of content is from the selected content to the wireless mobile device receiving at least a one locking requirement including a first locking requirement associated with the selected content selecting the acceptance of the first selected locking requirement in response to presenting the at least first locking requirement at the wireless mobile device and receiving the selected content and storing the selected content and operating upon the selected content in accordance with the selected one of the at least the first locking requirement (*see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023*).

6. As per claim 23, Shin et al teach a method further comprising the operation, at the wireless mobile device, of determining when the selected one of the first locking requirement is met (*see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023*).

7. As per claim 24, 40, Shin et al teach a method further comprising the operation subsequent to the operation of determining of unlocking the selected content data to release the selected content out of the selected one of the at least the first locking requirement (*see paragraphs 0024, 0025, 0029*).
8. As per claim 25, Shin et al teach a method further comprising the operation of notifying the network-based device of determination made during the operation of determining that the selected one of the first locking requirement is met (*see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023*).
9. As per claim 26, Shin et al teach a method further comprising the operation of dispensing a reward to a user associated with the wireless mobile device subsequent to notifying the network based device during the operation of determining (*see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023*).
10. As per claim 27, Shin et al teach a method wherein the operations of presenting and selectably providing are performed by sending a message from the network-based device that contains both the selected content and the at least the first locking requirement (*see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023*).

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11. As per claim 33, Shin et al teach a method wherein the selected content of the plurality of content comprises advertising content and wherein the method further comprises the operation of displaying the advertising content at the wireless mobile device according to the at least the first locking requirement (*see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023*).

12. As per claim 34, Shin et al teach a method wherein the at least the first locking requirement comprises a manner by which to display the advertising content in human perceptible form (*see paragraphs 0024, 0025, 0029*).

13. As per claim 35, 42, Shin et al teach a wireless mobile device operable in a radio communication system, an improvement of apparatus for operating upon selected content selected from a plurality of content stored at a network-based device and delivered to the wireless mobile device, the apparatus comprising a content manager embodied at the wireless mobile device, the content manager for managing the selected content once delivered to the wireless mobile device, management of the selected content provided by the content manager comprising selectably locking the selected content pursuant to a locking requirement, determining when the locking requirement is met, and unlocking the selected content when the locking requirement is determined to have been met (*see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023*).

14. As per claims 38 and 41, Shin et al teach a method further providing an indication of a reward (*see fig 2A, 2B, 4, paragraphs 0010, 0011, 0022, 0023*).

*Response to Arguments*

15. Applicant's arguments filed May 10<sup>th</sup>, 2005 have been fully considered but they are not persuasive.

a. Applicant have amended the claims and argues in contrast to the claimed inventive concept that the prior art fail to at least one locking requirement is presented to the user device, and a selection of at least the first locking requirement is received at the network based device from the user device such that the selected content and at least the first locking requirement that has been selected are thereafter provided by the network based device to the user device. Applicants further argue that the in the prior art by contrast, the source of an electronic document (not the recipient) selects a locking condition to be associated with the electronic document prior to downloading or transmitting the electronic document to a recipient. Furthermore, according to the applicant since the association of a locking requirement with the electronic document has been done by the source, the recipient in the system of the prior art publication is not presented with at least one locking requirement and does not permit receipt of a selection of a first locking requirement from among those presented, as set forth by the claimed inventive concept. Examiner respectfully disagrees with Applicants characterization of the prior art. The prior art (Shin et al) teaches a method locking function provided from the text message management program and displayed on the screen of the mobile phone. Applicants correctly argue that in Shin et al's inventive concept, the drafter (the source)

selects at least one locking method among those provided from the text message management program based on selection of locking function. The text message management program specifies a locking condition corresponding to the selected locking method, so that the drafter writes down the reading commencement date, the identifier of a specified reader or a predetermined quiz. The drafter inputs the locking guide message according to applying locking function to the text message. If locking function is applied to the text message, the text message with information on the selected locking method, a locking condition and locking guide message attached thereto is stored in a predetermined storage area (not shown), and if locking function is not applied to the electronic document, the text message is stored in another predetermined storage area. However, in Applicant's claimed inventive concept, it is clear as to who select the locking requirement. It appears the selection of the locking requirement is being controlled by an entity other than the user of the device and the user is simply receiving the locking requirement from the content provider. Applicant further argue that Shin 698 publication does not teach or suggest the repeated presentation of the selected content until the first selected locking requirement is met. Again Examiner disagrees with Applicants' characterization, As argue before in a prior action, Shin et al disclose various conditions for locking the text message can be stored in the locking condition region. For example, the date on which the text message can be open, the specified reader or questions for quiz can be provided. That is to say, if the date on which the text message can be open is set, e.g., 10:30 am Oct. 5, 2000 (dd-mo-yr), the text message cannot be open before the date. If the reader is specified, e.g., name, resident number, address, or



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the school from one graduated, the one other than the specified reader can not open the locked text message. If questions for quiz are suggested, a predetermined quiz and the answer thereto, e.g., question "1+1" and answer "2", are stored in the locking condition region. The locked text message can only be seen on condition that the correct answer is provided.

*b.* Applicant's argument are found not to be persuasived, therefore, the above rejection is maintained

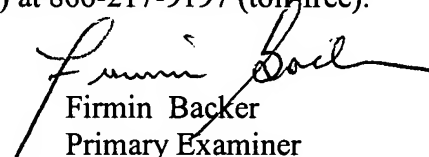
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

  
Firmin Backer  
Primary Examiner  
Art Unit 3621

July 14, 2005